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Attorneys for Plaintiffs,
LAFACE RECORDS LLC; ELEKTRA
ENTERTAINMENT GROUP INC.; UMG
RECORDINGS, INC.; and WARNER
BROS. RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LAFACE RECORDS LLC, a Delaware limited
liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; UMG RECORDINGS, INC., a
Delaware corporation; and WARNER BROS.
RECORDS INC., a Delaware corporation,

Plaintiffs,

v.

JENNIFER LYNN GLASS,

Defendant.

CASE NO. 4:07-CV-04847-SBA

Honorable Saundra Brown Armstrong

**DECLARATION OF MATTHEW
FRANKLIN JAKSA IN SUPPORT OF *EX
PARTE* APPLICATION TO EXTEND TIME
TO SERVE DEFENDANT WITH PROCESS**

DECLARATION OF MATTHEW FRANKLIN JAKSA

I, Matthew Franklin Jaks, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and the United States District Court, Northern District of California. I am an associate with the law firm of Holme Roberts & Owen LLP, counsel of record for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. This Declaration is submitted in support of Plaintiffs' *Ex Parte* Application to Extend Time to Serve Defendant With Process, filed April 17, 2008.

3. Plaintiffs filed their initial Complaint in this matter against a John Doe defendant on September 20, 2007. Although Plaintiffs did not have sufficient identifying information to name the defendant individually in the Complaint, Plaintiffs were able to identify the Doe defendant by an Internet Protocol address assigned by a third-party Internet Service Provider ("ISP"). Accordingly, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery requesting that the Court enter an order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP so that Plaintiffs could obtain information sufficient to identify Defendant.

4. On October 4, 2007, the Court issued its Order for Leave to Take Immediate Discovery, which was served on the ISP along with a Rule 45 subpoena. On November 16, 2007, the ISP responded to Plaintiffs' subpoena, identifying the Defendant, Jennifer Lynn Glass.

5. Because Plaintiffs did not initially know Ms. Glass's true identity, they were unable to directly contact her to discuss settlement of this matter until after the Doe Complaint had been filed and Plaintiffs received a subpoena response from the ISP. However, after Plaintiffs received the subpoena response from the ISP, they were able to use the contact information provided by the ISP and information they subsequently obtained through independent research to contact Ms. Glass by telephone and letter. Plaintiffs sought to contact Ms. Glass to attempt to resolve this matter before filing their First Amended Complaint and attempting service, in hopes of resolving the matter without the necessity of naming Ms. Glass in the lawsuit.

1 6. On December 4, 2007, Plaintiffs sent a letter to Ms. Glass notifying her of their
2 copyright infringement claims, and encouraging her to contact Plaintiffs and attempt to resolve the
3 dispute. The letter was sent to 7 Garces Drive, San Francisco California, 94132, the address
4 supplied by the ISP in its subpoena response. That letter was returned undelivered.

5 7. On information and belief, after multiple unsuccessful attempts to contact Ms. Glass
6 by telephone, Plaintiffs' settlement representatives spoke to Ms. Glass via telephone on January 2,
7 2008 and presented a settlement offer. At that time, Ms. Glass stated that she had not received
8 Plaintiffs' December 4 letter, and Plaintiffs' settlement representative verified that the letter was sent
9 to an incorrect address. Plaintiffs then forwarded the December 4 letter to Defendant via e-mail on
10 January 3, 2008.

11 8. On information and belief, Plaintiffs settlement representatives then made several
12 more unsuccessful attempts to contact Ms. Glass via telephone from January 4 through January 10,
13 2008. Plaintiffs then conducted database research indicating Ms. Glass's correct address to be 12239
14 Toluca Dr., San Ramon, CA, 94583. On January 28, 2008, Plaintiffs again sent Ms. Glass a letter
15 regarding their claims to that address.

16 9. On information and belief, Plaintiffs settlement representatives contacted Ms. Glass
17 via telephone on February 8, 2008 and confirmed that Ms. Glass received Plaintiffs' letter.
18 Plaintiffs' settlement representative gave Ms. Glass a one-week deadline to make a decision
19 regarding settlement. The parties did not reach a settlement, and Plaintiffs have not heard from Ms.
20 Glass since February 8, 2008.

21 10. Accordingly, Plaintiffs filed their First Amended Complaint on February 29, 2008,
22 amending the initial John Doe Complaint to name Ms. Glass, individually, as the Defendant.

23 11. Plaintiffs then engaged First Legal Support Services to serve Defendant with process.
24 Attached hereto as **Exhibit A** is a true and correct copy of the Affidavit of Reasonable Diligence
25 detailing the efforts of process server Raimundo Carvalho to serve Defendant. As detailed in the
26 Affidavit, the process server has made eight attempts to serve Defendant at 12239 Toluca Dr., San
27 Ramon, CA, 94583 on March 14, March 17, March 20, March 23, March 26, March 28, March 30,
28 and April 28, 2008. The process server received no answer to any of these attempts. On March 30,

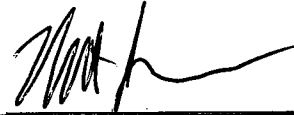
2008, the process server noted: "There is activity inside the residence. Knocked several times. Still no answer. Subject might be evading service." Affidavit of Reasonable Diligence, Exh. A, at 2.

12. In addition, on April 8, 2008, Plaintiffs conducted further database research to verify Defendant's residence. A true and correct copy of the search, which shows Defendant's address as 12239 Toluca Dr., San Ramon, CA, 94583, the address where service is being attempted, is attached as **Exhibit B**.

13. Based on the foregoing, Plaintiffs are informed and believe that 12239 Toluca Dr., San Ramon, CA, 94583 is the address where Defendant resides, and Plaintiffs will continue to attempt personal service at that address if the Court grants Plaintiffs' *Ex Parte* Application to Extend Time to Serve Defendant With Process, filed April 17, 2008.

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of April, 2008, at San Francisco, California.



Matthew Franklin Jaksa

EXHIBIT A

Attorney or Party without Attorney: MATTHEW F. JAKSA HOLME ROBERTS & OWEN LLP 560 MISSION STREET 25TH FLOOR SAN FRANCISCO, CA 94105 Telephone No: 415-268-2000				For Court Use Only	
Ref. No or File No.: LAFACE v GLASS					
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California					
Plaintiff: LAFACE RECORDS LLC, et al. Defendant: JENNIFER LYNN GLASS					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: 4:07-CV-04847-SBA

1. I, RAIMUNDO CARVALHO, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant JENNIFER LYNN GLASS as follows:

2. **Documents:** Summons In A Civil Case; First Amended Complaint For Copyright Infringement; Certification Of Interested Entities Or Persons; Order Setting Initial Case Management Conference And Adr Deadlines; Contents Of Joint Case Management Statement; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction; Notice Of Lawsuit And Request For Waiver Of Service Of Summons; Waiver Of Service Of Summons; Ecf Registration Information Handout; Order Granting Plaintiffs' Ex Parte Application For Leave To Take Immediate Discovery; Ex Parte Application To Continue Case Management Conference And Order..

Day	Date	Time	Location	Results
Fri	03/14/08	3:10pm	Home	NO ANSWER. NO CARS. BLINDS CLOSED. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Mon	03/17/08	7:10pm	Home	NO ANSWER. LIGHTS ON. NO ACTIVITY. NO CARS. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Thu	03/20/08	9:00am	Home	NO ANSWER. NO CARS. UNABLE TO VERIFY ADDRESS. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Sun	03/23/08	5:05pm	Home	NO ANSWER. LIGHTS ON. ONE CAR IN THE DRIVE WAY. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Wed	03/26/08	7:55am	Home	NO ANSWER. ONE CAR IN THE DRIVE WAY. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Fri	03/28/08	6:55pm	Home	NO ANSWER. LIGHTS ON. ONE CAR IN THE DRIVE WAY. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.

Attorney or Party without Attorney: MATTHEW F. JAKSA HOLME ROBERTS & OWEN LLP 560 MISSION STREET 25TH FLOOR SAN FRANCISCO, CA 94105 Telephone No: 415-268-2000				For Court Use Only	
Ref. No or File No.: LAFACE v GLASS					
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California					
Plaintiff: LAFACE RECORDS LLC, et al. Defendant: JENNIFER LYNN GLASS					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: 4:07-CV-04847-SBA

SUMMONS & COMPLAINT

Day	Date	Time	Location	Results
Sun	03/30/08	7:55am	Home	NO ANSWER. THERE IS ACTIVITY INSIDE THE RESIDENCE. KNOCKED SEVERAL TIMES. STILL NO ANSWER. SUBJECT MIGHT BE EVADING SERVICE. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Mon	04/28/08	2:00pm	Home	NO ANSWER. NO CHANGE. UPS PACKAGE ON THE FRONT PORCH FOR ANITA HUGHES. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 12239 TOLUCA DRIVE SAN RAMON CA 94583.
Tue	04/29/08	12:00pm	Home	Returned Not Served on: JENNIFER LYNN GLASS Home - 12239 TOLUCA DRIVE SAN RAMON, CA. 94583

3. *Person Executing*

- a. RAIMUNDO CARVALHO
 b. **FIRST LEGAL SUPPORT SERVICES**
 1138 HOWARD ST
 SAN FRANCISCO, CA 94103
 c. 415-626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d.. *The Fee for service was:*

- e. *I am:* (3) registered California process server
 (i) Independent Contractor
 (ii) Registration No.: 2005-0000968-00
 (iii) County: San Francisco

4. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

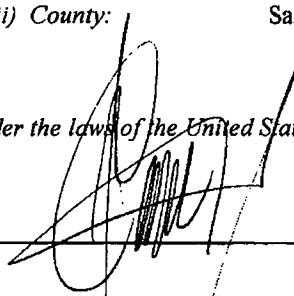


EXHIBIT B

DPPA - 1. Litigation

GLBA - 6. Persons With a Legal or Beneficial Interest re Consumer

Subject Summary | Others Using SSN | Address Summary (4) | Voter Registrations
 Licenses | Personal Property | Real Property | Bankruptcies | Judgments & Liens
 Relatives | Associated Entities | Neighbors (16) | Sources (5)

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Full Name	Address	County	Phone
GLASS, JENNIFER L	12239 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	CONTRA COSTA	

ADDITIONAL PERSONAL INFORMATION		
SSN	DOB	GENDER
601-78-XXXX (ARIZONA: 1989-1989)	03/1988 (Age: 20)	

Subject Summary

Name Variations (2) | SSNs Summary (1) | DOBs (1)

Name Variations

View Name Variation Sources

1:	GLASS, JENNIFER L
2:	GLASS, JENNIFER

SSNs Summary

View SSN Sources

No.	SSN	State Iss.	Date Iss.	Warnings
1:	601-78-XXXX	ARIZONA	1989-1989	

DOBs

View DOB Sources

1:	03/1988
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Address Summary

Address Summary - 4 records found for subject:

View Address Sources

#	Address	Actions
1:	12239 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	Get Report View Details
2:	7 GARCES DR SAN FRANCISCO, CA 94132-2340 COUNTY: SAN FRANCISCO	Get Report View Details
3:	802 FONT BLVD APT SAN FRANCISCO, CA 94132-1723 COUNTY: SAN FRANCISCO	Get Report View Details

4:	MPH 530A SAN FRANCISCO, CA 94132 COUNTY: SAN FRANCISCO	Get Report View Details
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Address Details

1: 12239 TOLUCA DR, SAN RAMON, CA 94583-2645			
Address	Dates	Phones	Actions
12239 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	03/2008		Get Report View Neighbors
Census Data for this Geographical Region			
Median Head of Household Age:			36
Median Income:			\$142,597
Median Home Value:			\$479,800
Median Education Level:			15 years
2: 7 GARCES DR, SAN FRANCISCO, CA 94132-2340			
Address	Dates	Phones	Actions
7 GARCES DR SAN FRANCISCO, CA 94132-2340 COUNTY: SAN FRANCISCO	12/2007		Get Report
Census Data for this Geographical Region			
Median Head of Household Age:			38
Median Income:			\$45,804
Median Home Value:			\$0
Median Education Level:			15 years
3: 802 FONT BLVD APT, SAN FRANCISCO, CA 94132-1723			
Address	Dates	Phones	Actions
802 FONT BLVD APT SAN FRANCISCO, CA 94132-1723 COUNTY: SAN FRANCISCO	08/2007		Get Report
Census Data for this Geographical Region			
Median Head of Household Age:			31
Median Income:			\$33,715
Median Home Value:			\$0
Median Education Level:			15 years
4: MPH 530A, SAN FRANCISCO, CA 94132			
Address	Dates	Phones	Actions
MPH 530A SAN FRANCISCO, CA 94132 COUNTY: SAN FRANCISCO	02/2007		Get Report
Census Data for this Geographical Region			
Median Head of Household Age:			35
Median Income:			\$57,629
Median Home Value:			\$350,000
Median Education Level:			15 years

Neighbors**Neighbors**



12239 TOLUCA DR, SAN RAMON, CA 94583-2645			
Name	Address	Phone	Actions

BELLASBACH, JANE	12240 TOLUCA DR SAN RAMON, CA 94583-2643 COUNTY: CONTRA COSTA	(925) 828-6969	Get Report
WYANT, THERESA A	12235 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	(925) 828-4252	Get Report
	12244 TOLUCA DR SAN RAMON, CA 94583-2643 COUNTY: CONTRA COSTA	(925) 803-8309	Get Report
DAWSON, WILLIAM HARVEY	12232 TOLUCA DR SAN RAMON, CA 94583-2619 COUNTY: CONTRA COSTA	(925) 828-3973	Get Report
BALDWIN, WILBUR L	12231 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	(925) 828-4275	Get Report
BALDWIN, IDA M	12231 TOLUCA DR # CA SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	(925) 828-4275	Get Report
MAREK, BOBBI JEAN	12247 TOLUCA DR SAN RAMON, CA 94583-2651 COUNTY: CONTRA COSTA	(925) 551-8115 (925) 556-6205 (925) 556-6206	Get Report
DOWNING, MARY C	12248 TOLUCA DR SAN RAMON, CA 94583-2643 COUNTY: CONTRA COSTA		Get Report
MARX, GARY J	12228 TOLUCA DR SAN RAMON, CA 94583-2619 COUNTY: CONTRA COSTA	(925) 829-9732	Get Report
FLEURY, JEAN KAREN	12227 TOLUCA DR SAN RAMON, CA 94583-2645 COUNTY: CONTRA COSTA	(925) 556-1996	Get Report
	12251 TOLUCA DR SAN RAMON, CA 94583-2651 COUNTY: CONTRA COSTA		Get Report
COLTON, CATHERINE ANN	12252 TOLUCA DR SAN RAMON, CA 94583-2643 COUNTY: CONTRA COSTA	(925) 875-1603	Get Report
BLACKWELL, HUBERT Q	12224 TOLUCA DR SAN RAMON, CA 94583-2619 COUNTY: CONTRA COSTA	(925) 828-4276	Get Report
HUGHELL, JAMES EDWARD	12255 TOLUCA DR SAN RAMON, CA 94583-2651 COUNTY: CONTRA COSTA	(925) 828-3317	Get Report
	12256 TOLUCA DR SAN RAMON, CA 94583-2643 COUNTY: CONTRA COSTA	(925) 556-0382	Get Report
LASTON, STEPHANIE L	12259 TOLUCA DR SAN RAMON, CA 94583-2651 COUNTY: CONTRA COSTA	(925) 829-6756 (925) 829-0760 778-7507	Get Report

Sources**Sources**

All Sources	5 Source Documents
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Person Locator 1	1 Source Document
Historical Person Locator	4 Source Documents

Key:	
	High or moderate risk indicator. These flags may prompt you to investigate further
	The most recent telephone listing as reported by the EDA source

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